

REMARKS

Please cancel Claims 8-23 without prejudice. Claims 1-8 and 24-30 of the present application remain pending. Claims 1-8, and 24-30 are amended herein. Claims 31 and 32 are newly added. No new matter is added as a result of the Claim amendments.

SPECIFICATION

The Abstract is objected to for exceeding 150 words. The Abstract is amended herein to comply with the 150 word limit. Accordingly, the Applicants respectfully request that the objection to the Abstract be withdrawn.

CLAIM REJECTIONS 35 U.S.C. § 102

Claims 1-3, 5-6, 8-10, 13-16, 24-26, and 28-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by McCall et al. (U.S. 2002/0188522), hereinafter referred to as "McCall." Claim 1 is directed to a computer implemented method and recites (emphasis added):

- (A) selecting a said electronic device;
- (B) commanding said selected electronic device to capture geographically distributed data and wherein said geographically distributed data is automatically captured by said selected electronic device in response to said commanding;
- (C) receiving said automatically captured geographically distributed data; and

(D) storing said received geographically distributed data.

Claim 5 is directed to an electronic device and recites similar claim limitations. The Applicants respectfully submit that McCall does not teach or suggest automatically capturing data as recited in independent Claims 1 and 5 of the present invention. Instead, McCall teaches that the data capture is initiated by a user. Furthermore, McCall does not teach or suggest motivation for automatically capturing the data in the manner recited in independent Claims 1 and 5 of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 1 and 5 under 35 U.S.C. § 102(e) are overcome.

Claims 2-3 depend from Claim 1 and recite additional claim limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 2 and 3 under 35 U.S.C. § 102(e) are also overcome.

Claim 6 depends from Claim 5 and recites additional claim limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claim 6 under 35 U.S.C. § 102(e) is also overcome.

Claim 24 recites a method of collecting geographically distributed data using a portable electronic device and recites (emphasis added):

- (A) receiving a command from said user to automatically capture data;
- (B) automatically capturing said data;
- (C) transmitting said automatically captured data; and
- (D) sending a verifiable identity of said portable electronic device.

Claim 28 recites similar Claim limitations. The Applicants respectfully submit that McCall does not teach or suggest that a user can configure a portable electronic device to automatically capture data and transmit the automatically captured data as recited in independent Claims 24 and 28 of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 24 and 28 under 35 U.S.C. § 102(e) are overcome.

Claims 25-27 depend from Claim 24 and recite additional claim limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 25-27 under 35 U.S.C. § 102(e) are also overcome.

Claims 29-30 depend from Claim 28 and recite additional claim limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 29-30 under 35 U.S.C. § 102(e) are also overcome.

CLAIM REJECTIONS 35 U.S.C. § 103

Claims 4, 7, 11, 12, 17, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCall in view of McDonnell et al (U.S. Patent No. 6,799,032), hereinafter referred to as "McDonnell." As discussed above, the Applicants respectfully submit that McCall does not teach or suggest automatically capturing geographically distributed data as recited in independent Claims 1 and 5 of the present invention. The Applicants respectfully submit that McDonnell fails to overcome the shortcomings of McCall. More specifically, McDonnell does not teach or suggest automatically capturing geographically distributed data as recited in independent Claims 1 and 5 of the present invention. Instead, McDonnell teaches location aware services which require a user initiated request before determining the location of a mobile phone. Similarly, McCall teaches that the gathering of geographically distributed data is in response to a user action. Accordingly, the Applicants respectfully submit that the rejections of Claims 4 and 7 under 35 U.S.C. § 103(a) are overcome.

Claims 18-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCall in view of Ziff et al. (U.S. Patent No. 6,697,821), hereinafter referred to as "Ziff." The Applicants respectfully submit that Claims 18-23 of the present invention are cancelled herein.

CONCLUSION

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-7, and 24-32 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these Claims.

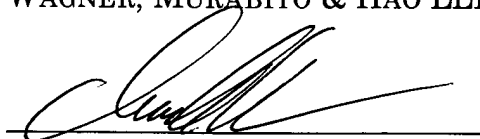
The Applicants have reviewed the reference cited but not relied upon. The Applicants did not find this reference to show or suggest the present claimed invention: U.S. 5,790,074, U.S. 2003/0025599 A1.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 2/4/2005



Anthony C. Murabito

Reg. No. 35,295

Two North Market Street

Third Floor

San Jose, California 95113

(408) 938-9060